

**IN THE COURT OF APPEALS OF IOWA**

No. 2-413 / 12-0532  
Filed May 23, 2012

**IN THE INTEREST OF M.L.L.,  
J.M.L., and A.L.,  
Minor Children**

**J.L., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Woodbury County, Mary Jane Sokolovske, Judge.

A mother appeals the termination of her parental rights to her children.

**AFFIRMED.**

Jessica R. Noll, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Patrick Jennings, County Attorney, and J. Aaron Kirsch, Assistant County Attorney, for appellee.

Chad Thompson, Kingsley, for father of A.L.

Brian Buckmeier, Sioux City, for father of M.L.L.

Stephanie Forker Parry, Sioux City, attorney and guardian ad litem for minor children.

Considered by Vogel, P.J., and Tabor and Bower, JJ.

**BOWER, J.**

A mother appeals the termination of her parental rights to her child. She contends the State failed to prove the grounds for termination by clear and convincing evidence. She also contends termination is not in the children's best interests.

We conclude the State proved the grounds for termination. Given the mother's ten-year involvement with the Department of Human Services (DHS), the juvenile court and her continued inability to safely care for the children, we find termination is in the children's best interests. Accordingly, we affirm.

***I. Background Facts and Proceedings.***

The children at issue were adjudicated to be children in need of assistance (CINA) in February 2011 due to concerns about the mother's alcohol use, possible abuse of prescription medication, and failure to medicate for her mental health issues. The mother was also homeless, jobless, and lacked a valid driver's license and transportation. The children were removed from the mother's care and placed in the care of their maternal grandparents until July 2011, when the grandparents could no longer care for the children on a long-term basis. The children were moved to a foster home where they have remained.

The children had come to the attention of the DHS in October 2010 after the mother was arrested for public intoxication. The mother was found intoxicated and standing next to the van with her children and two other juvenile males—who were also intoxicated—inside. The driver of the van could not be determined, but a preliminary breath test showed the mother's blood alcohol

concentration was .138. The mother agreed to voluntarily participate in services offered by the DHS.

The October 2010 incident was not the first time the mother had come to the attention of the DHS. The DHS has been involved with the family through various CINA proceedings since at least 1997. The reasons for the DHS's involvement has always been the same: the mother's failure to follow through with treatment for her depression, ADHD, and borderline personality disorder; her untreated substance abuse issues; her involvement in dysfunctional relationships; her neglect of the children's needs; her homelessness; and her unemployment.

The mother failed to participate in the services offered to her following the children's most recent CINA adjudication. In fact, she failed to make her whereabouts known to the DHS or to keep in contact with the department throughout the pendency of these proceedings. As a result of the mother's failure to maintain contact with the DHS worker, she did not see the children between July 2011 and November 2011. A termination petition was filed on December 1, 2011.

At the time of the January 2012 termination hearing, the children were fourteen, eight, and six years old. In its March 2012 order, the juvenile court found the State had proved the grounds for termination under Iowa Code sections 232.116(1)(b), (d), (e), and (i) (2011). It also found termination was in the children's best interests.

## ***II. Scope and Standard of Review.***

We review proceedings to terminate parental rights de novo. *In re H.S.*, 805 N.W.2d 737, 745 (Iowa 2011). We give weight to the juvenile court's findings of fact, even though we are not bound by them. *Id.* This is especially true with regard to questions of witness credibility. *Id.*

## ***III. Analysis.***

The mother contends the juvenile court erred in terminating her parental rights because the State failed to prove the grounds for termination by clear and convincing evidence. The juvenile court terminated the mother's parental rights pursuant to Iowa Code sections 232.116(1)(b), (d), (e), and (i). We need only find grounds to terminate under one of these sections to affirm. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa 1999). Termination is appropriate under section 232.116(1)(i) where the following have occurred:

- (1) The child meets the definition of child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents.
- (2) There is clear and convincing evidence that the abuse or neglect posed a significant risk to the life of the child or constituted imminent danger to the child.
- (3) There is clear and convincing evidence that the offer or receipt of services would not correct the conditions which led to the abuse or neglect of the child within a reasonable period of time.

The mother does not dispute the State proved the foregoing, but instead contends no services were offered to address her mental health. Specifically, she argues the DHS should have offered to assist her with paying for her medication or her mental health treatment because her lack of financial resources and transportation severely impaired her attempts to gain stability.

“The State must make reasonable efforts to provide services to a parent before termination proceedings may be instituted.” Iowa Code § 232.102(7), 10(a); *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002). However, to preserve error on the question of reasonable efforts for appellate review, the parent must request different or additional services prior to the termination proceeding. See *In re C.H.*, 652 N.W.2d at 148 (stating the parent must request services at the proper time or the parent “waives the issue and may not later challenge it at the termination proceeding”); *In re L.M.W.*, 518 N.W.2d at 807 (indicating a parent must demand services if he or she feels they are inadequate before termination). It is incumbent upon the parent to voice an objection to the reasonableness of the services being offered at the removal hearing, review hearings, when the case permanency plan is entered, or when the services are offered or denied; it is too late to launch the challenge at the termination hearing. *In re C.H.*, 652 N.W.2d at 148; *In re L.M.W.*, 518 N.W.2d at 807. It is not enough for a parent to voice complaints to the social worker; the parent must inform the juvenile court of their objection to the sufficiency of the services being offered. *In re C.H.*, 652 N.W.2d at 148.

The mother does not state where in the record—prior to the termination hearing—she preserved the issue of reasonable efforts for our review. Moreover, the record shows the mother failed to cooperate with the services being offered. As the juvenile court found,

While [the mother] now complains that reasonable efforts were not made to assist her with housing, transportation, visitations, medication, et cetera, those are not valid complaints. Others have put forth more time and effort into maintaining the children under

[the mother]'s care over the past decade than [the mother] has put forth. Despite a decade of services, [the mother] has been unable to care for herself, much less her children. She has failed to address the underlying issues that continue to bring her children to the attention of the Department of Human Services and this court.

The mother's failure to avail herself to the services offered precludes her from challenging the reasonableness of the efforts made to reunite her and the children.

The mother also contends termination is not in the children's best interest. In making the best interest determination, "the court shall give primary consideration to the child's safety, to the best placement for furthering the long-term nurturing and growth of the child, and to the physical, mental, and emotional condition and needs of the child." Iowa Code § 232.116(2); *In re P.L.*, 778 N.W.2d 33, 37 (Iowa 2010).

We conclude termination is in the children's best interests. Despite involvement with the juvenile court and the DHS for more than a decade, the mother has made no headway with the issues that led to the CINA adjudication. There is no reason to believe the mother will now make the necessary improvements to allow her to safely parent these children. See *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997) (holding that when considering what the future holds if the child is returned to the parent, we must look to the parents' past behavior because it is indicative of the quality of care the parent is capable of providing in the future).

While the law requires a "full measure of patience with troubled parents who attempt to remedy a lack of parenting skills," this patience is built into the

statutory scheme of chapter 232. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). This is because patience on behalf of a parent can quickly translate into intolerable hardship for the child. *In re R.J.*, 436 N.W.2d 630, 636 (Iowa 1989). “The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems.” *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987). Given the importance of establishing child custody quickly so the children are not suffering indefinitely in parentless limbo, *id.*, we find termination is in the children’s best interests.

**AFFIRMED.**